



Reprinted
February 22, 2002

ENGROSSED SENATE BILL No. 269

DIGEST OF SB 269 (Updated February 21, 2002 12:05 PM - DI 102)

Citations Affected: IC 5-10.2.

Synopsis: PERF vesting for county and state elected officials. Provides that a person serving as a county clerk, auditor, recorder, treasurer, sheriff, or coroner is vested in the public employees' retirement fund (PERF) after: (1) eight years of service in that office; or (2) ten years of service based on a combination of service as an elected county official and as a full-time employee in another covered position. Provides that a person serving as the secretary of state, state auditor, or state treasurer is vested in PERF after eight years of service. Provides that a person who has served eight years as an elected county official is eligible for normal retirement at 65 years of age. (The introduced version of this bill was prepared by the county government study commission.)

Effective: July 1, 2002.

**Skillman, Johnson, Craycraft,
Lawson C, Wyss**
(HOUSE SPONSORS — KROMKOWSKI, WHETSTONE, WELCH)

January 7, 2002, read first time and referred to Committee on Pensions and Labor.
January 22, 2002, reported favorably — Do Pass.
January 28, 2002, read second time, ordered engrossed.
January 29, 2002, engrossed.
January 31, 2002, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Local Government.
February 14, 2002, reported — Do Pass.
February 21, 2002, read second time, amended, ordered engrossed.

ES 269—LS 6255/DI 102+



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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 269

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10.2-1-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. ~~Vested Status:~~ (a)
3 **Except as provided in subsection (b), "vested status" as used in this**
4 **article means the status of having ten (10) years of creditable service.**

5 **(b) In the case of a person who is an elected county official**
6 **whose governing body has provided for the county official's**
7 **participation in the public employees' retirement fund under**
8 **IC 5-10.3-7-2(1), "vested status" means the status of having:**

9 **(1) at least eight (8) years of creditable service as an elected**
10 **county official in an office described in IC 5-10.2-4-1.7; or**

11 **(2) at least ten (10) years of creditable service as a member of**
12 **the fund based on a combination of service as an elected**
13 **county official and as a full-time employee in a covered**
14 **position.**

15 **(c) In the case of a person whose term of office commences after**
16 **the election on November 5, 2002, as Auditor of State Secretary of**
17 **State, or Treasurer of State, and who is prohibited by Article 6,**

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Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund.

SECTION 2. IC 5-10.2-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) This subsection applies to:

(1) members of the public employees' retirement fund who retire before July 1, 1995; and

(2) members of the Indiana state teachers' retirement fund who retire before May 2, 1989.

A member who has reached age sixty-five (65) and has at least ten (10) years of creditable service is eligible for normal retirement.

(b) This subsection applies to members of the Indiana state teachers' retirement fund who retire after May 1, 1989, and to members of the public employees' retirement fund who retire after June 30, 1995, **except as provided in section 1.7 of this chapter.** A member is eligible for normal retirement if:

(1) the member is at least sixty-five (65) years of age and has at least ten (10) years of creditable service;

(2) the member is at least sixty (60) years of age and has at least fifteen (15) years of creditable service; or

(3) the member's age in years plus the member's years of service is at least eighty-five (85) and the member is at least fifty-five (55) years of age.

(c) A member who has reached age fifty (50) and has at least fifteen (15) years of creditable service is eligible for early retirement with a reduced pension.

(d) A member who is eligible for normal or early retirement is entitled to choose a retirement date on which ~~his~~ **the member's** benefit begins if the following conditions are met:

(1) The application for retirement benefits and the choice of the date is filed on a form provided by the board.

(2) The date must be after the cessation of ~~his~~ **the member's** service and be the first day of a month.

(3) The retirement date is not more than six (6) months before the date the application is received by the board. However, if the board determines that a member is incompetent to file for benefits and choose a retirement date, the retirement date may be any date that is the first of the month after the time the member became incompetent.

SECTION 3. IC 5-10.2-4-1.7 IS ADDED TO THE INDIANA



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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 1.7. (a) This section applies only
3 to members of the public employees' retirement fund who retire
4 after June 30, 2002.

5 (b) A member is eligible for normal retirement after becoming
6 sixty-five (65) years of age if the member:

7 (1) has served as an elected county official in an office
8 described in Article 6, Section 2 of the Constitution of the
9 State of Indiana for at least eight (8) years; and

10 (2) is prohibited by Article 6, Section 2 of the Constitution of
11 the State of Indiana from serving in that office for more than
12 eight (8) years in any period of twelve (12) years.

13 (c) A member who:

14 (1) has served as an elected county official; and

15 (2) does not meet the requirements of subsection (b);

16 is eligible for normal retirement if the member has attained vested
17 status (as defined in IC 5-10.2-1-8(b)(2)) and meets the
18 requirements of section 1 of this chapter.

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SENATE MOTION

Mr. President: I move that Senator Johnson be added as second author and Senator Craycraft be added as coauthor of Senate Bill 269.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 269 as introduced.)

HARRISON, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Lawson C be added as coauthor of Engrossed Senate Bill 269.

SKILLMAN

SENATE MOTION

Mr. President: I move that Senator Wyss be added as coauthor of Engrossed Senate Bill 269.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 269, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEVENSON, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Representative Welch be permitted to call down Engrossed Senate Bill 269 in my absence.

KROMKOWSKI

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 269 be amended to read as follows:

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"(c) In the case of a person whose term of office commences after the election on November 5, 2002, as Auditor of State Secretary of State, or Treasurer of State, and who is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund."

(Reference is to EBB 269 as printed February 15, 2002.)

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